

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In the application of** : Rory Smith  
**Serial No.** : 09/975,841  
**Filed** : October 12, 2001  
**For** : Bandwidth allocation in a synchronous  
transmission network for packet oriented  
signals  
**Examiner** : Ngo, Nguyen Hoang  
**Art Unit** : 2616  
**Customer number** : 23644

**SUBMISSION OF AMENDED APPEAL BRIEF**

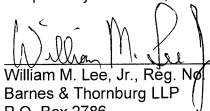
Honorable Director of Patents and Trademarks  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

In view of the Order dated July 1, 2009 regarding this appeal, an amended appeal brief is submitted herewith, properly setting forth not only the grounds of rejection, but also setting forth appropriate headings in the argument. All is believed to be in order.

July 2, 2009

Respectfully submitted,



William M. Lee, Jr., Reg. No. 26,935  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
(312) 214-4800  
(312) 759-5646

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In the application of** : Rory Smith  
**Serial No.** : 09/975,841  
**Filed** : October 12, 2001  
**For** : Bandwidth allocation in a synchronous  
transmission network for packet oriented  
signals  
**Examiner** : Ngo, Nguyen Hoang  
**Art Unit** : 2616  
**Customer number** : 23644

**AMENDED BRIEF ON APPEAL**

Honorable Director of Patents and Trademarks

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir,

This appeal was originally from the Examiner's final rejection of May 3, 2006 and the advisory action of July 13, 2006 in which all pending claims, that is claims 1-28 and 30-36, were rejected or objected to. An appropriate response was mailed on June 27, 2006, and a timely Notice of Appeal was mailed on August 3, 2006 with the required fee of \$500 following the advisory action of July 13, 2006. The Examiner subsequently continued Examination and this appeal is now from the final rejection mailed June 27, 2007.

The required \$500 fee pursuant to 37 C. F. R. §41.20(b) (2) was deducted from Deposit account No. 12-0913 on October 2, 2006. No additional fee is believed due since the prior appeal never proceeded, but if a fee is deemed due, it may be deducted from the Deposit Account after further authorization by the undersigned.

(i) Real Party in Interest

This application is assigned to Nortel Networks Limited.

(ii) Related Appeals and Interferences

There are no related appeals or interferences or judicial proceedings.

(iii) Status of Claims

This application was filed with claims 1 through 36. Claim 29 was deleted, and Claims 1-28 and 30-36 have been finally rejected by the Examiner. The rejection of these claims in the office action of June 27, 2007 is appealed. Claims 1-28 and 30-36 as amended during the prosecution of the application, are set forth in the Claims Appendix.

(iv) Status of Amendments

No amendments were made in the response of May 16, 2007. Only arguments were presented.

(v) Summary of the Claimed Subject Matter

The present invention relates generally to communication networks, and more specifically to efficiently using synchronous networks for passing packet oriented signals from one node of a packet oriented network to another, using buffer-to-buffer flow control.

As is explained in the description at page 12 onwards, buffer-to-buffer flow control regulates traffic along a link between a transmitter port and a receiver port by controlling the rate at which the transmitter can send data to the receiver. A transmitter is able to transmit a frame along a link only if the receiver has indicated it can accept the frame. Buffering may be required for any one of a number of reasons. For example, the client signal may need to be buffered to mitigate the effects of any congestion along its route/at its destination. In the present case, buffering can be used to manage handing-off between the different client signal data rates and synchronous network payload rates. The distinctive feature of preserving the client signal buffer-to-buffer flow control when processing to map the signal to the

synchronous network, can help make the synchronous network transparent to the client signal, meaning that client signal nodes at each side of the synchronous link can appear on the same client network. This helps simplify management of the client network 100, 110.

Independent claim 1:

This claim specifies a method of mapping a packet orientated client signal to a synchronous network payload, the method including the steps of:

receiving said client signal (F1);

processing (210, 212) said client signal to a form suitable for mapping to said payload which preserves a buffer-to-buffer flow control mechanism (300, 310a) of the client signal, wherein said step of processing reduces (212) the bandwidth of the client signal while maintaining the integrity of a payload of the client signal; and

mapping (218) said processed signal to said synchronous network payload.

Reference numerals have been inserted based on figs 3A and 5, which are described in the text at line 12 of page 20 onwards, and will be discussed briefly now. Figure 3A shows an overview of networks having a number of nodes, and in particular communications paths between node A of a packet oriented network 100, passing through synchronous network 120, to reach node Z of another packet oriented network 110. The claimed steps would take place at the interface 114 to the synchronous network, at node C or node N1, for communication from A to Z. The buffer to buffer flow control of the packet oriented client signal, which is preserved through the synchronous network, is from a buffer at node C, to a buffer at node X.

Fig 5 describes an example of the operation at node C or at node N1. Reference is made to the description of fig 5 at line 29 of page 31 onwards. The client signal F1 is received at the node as indicated by the arrow leading to first box 300. This box and box 310a are concerned with the buffer to buffer flow control mechanism, for controlling flow between buffers C and X. The claimed step of processing while preserving the flow control mechanism is shown by steps 210 and 212. The claimed step of mapping to the synchronous payload is shown by box 218

which follows box 212. This leads to transmission over the synchronous network at box 220. The claim feature of the processing preserving the buffer to buffer flow control mechanism is shown for example the processing steps 210 and 212 in Fig 3B being dependent on the flow control mechanism steps 300 and 310a.

This flow control mechanism is described in more detail at page 17 line 12 onwards which indicates that "The receiving port controls the transmission of frames by giving permission to the sending port to send one or more frame to that particular receiving port. That permission is called a credit. The number of frames that may be sent is referred to as the available credit. Flow control is provided by both ports on the link exchanging the number of frames they may receive at any time from each other to determine their respective buffer credit values during a "log on" phase."

At page 18 line 12 onwards, it is explained that "Each port keeps track of the buffer credit count, which is initialised to zero. For each frame transmitted, the credit count is incremented by one, and for each R\_RDY primitive signal received from the other port the credit count is decreased by one. Transmission of a R\_RDY primitive signal indicates a port has processed a frame, freed a receive buffer, and is ready for one more. If the buffer credit count reaches the buffer credit value at the initiator port, no more frames can be sent by the initiator...".

An aim of the claimed features is to enable more efficient transmission of packet oriented protocols which can use a buffer-to-buffer flow control mechanism, such as Fibre Channel and ESCON, through a synchronous network. Such a flow control mechanism helps to ensure that the buffers of receiving and transmitting ports along a particular communications path do not overflow, which could cause data to be lost and/or retransmitted. Notably, preserving the client flow control mechanism through the synchronous network helps avoid the need for complex protocol specific functions. In particular the step of reducing the bandwidth while maintaining the payload integrity before the mapping can avoid the need for complex flow control or buffer credit management functionality, or any intermediate mapping to other OSI layer -2 protocols such as ATM. Notably the buffers of the buffer-to-buffer mechanism referred to in the claim are buffers controlled by the mechanism of the client signal.

Independent claim 16:

This claim has corresponding distinctive features and so the discussion of claim 1 applies here. It specifies a method of mapping a packet oriented client signal that uses a buffer-to-buffer flow control mechanism to a synchronous transmission network payload, the method comprising the steps of:

processing said client signal (212) to remove at least one ordered set provided according to a protocol of said client signal to form a second signal;

storing the second signal in an ingress buffer (214); and

mapping (216a, 216b, 218) the second signal to said synchronous payload,

wherein said steps of processing said client signal and mapping said second signal preserves the buffer-to-buffer flow control mechanism of the client signal and maintains the integrity of the payload of the client signal.

Reference numerals have been added based on Fig 4B, which shows operations at node N1. This is described in the specification at line 14 of page 24 onwards and shows a similar process to that described above with relation to Fig 3A, and so need not be described again here.

Independent claim 20:

Again, this claim has corresponding distinctive features and so the discussion of claim 1 applies here. It specifies a method of restoring a packet oriented client signal from at least one synchronous network payload, the method comprising the steps of:

receiving (222) said synchronous payload;

de-mapping (222, 224a, 224b) said signal from said synchronous payload;

storing (226) said signal in an egress buffer; and

processing (228, 230) said signal to add at least one ordered set provided according to a protocol of said packet orientated client signal, wherein said method of restoring the client signal maintains the integrity of the payload of said packet

oriented client signal and preserves a buffer-to-buffer flow control mechanism of said client signal.

Reference numerals have been added based on the right hand side of fig 4B and reference is made to the associated description in the specification at line 14 of page 24 onwards. This shows the steps at node N4, where the path leaves the synchronous network to reach the packet oriented network 110. This shows a corresponding process to that of Fig 3A, in the reverse order, and so need not be described again in detail.

Independent claim 24:

Again, this claim has corresponding distinctive features and so the discussion of claim 1 applies here. It specifies apparatus adapted to perform steps in a method of mapping a client signal comprising a packet oriented client signal (F1) that uses a buffer-to-buffer flow control mechanism to a synchronous transmission network payload, the apparatus comprising:

a processor (210, 212) for processing said client signal to remove at least one ordered set provided according to a protocol of said client signal to form a second signal;

a buffer (214) for storing the processed client signal in an ingress buffer; and

a mapper (216a, 216b, 218) for mapping the processed client signal to said synchronous payload,

wherein said apparatus preserves the buffer-to-buffer flow control mechanism of the client signal and maintains the integrity of the payload of the client signal.

Reference numerals have been added based on the left hand side of fig 4B and reference is made to the associated description in the specification at line 14 of page 24 onwards. This shows a similar process to that described above with relation to Fig 3A, and so need not be described again here.

Independent claim 30:

Again, this claim has corresponding distinctive features and so the discussion of claim 1 applies here. It specifies a method of load balancing traffic comprising a packet orientated client signal across a synchronous network (120), wherein said traffic comprises at least one synchronous network payload comprising a packet oriented client signal which is controlled by a buffer-to-buffer flow control mechanism (300, 310a), the signal having been mapped to a synchronous network payload, using a method including the steps of: receiving said client signal (F1); processing (210, 212) said client signal to a form suitable for mapping to said payload which preserves a buffer-to-buffer flow control mechanism of the client signal, wherein said step of processing reduces the bandwidth of the client signal while maintaining the integrity of a payload of the client signal; and mapping (218) said processed signal to said synchronous network payload, wherein said method of load balancing comprises the steps of:

pre-allocating (by node N1, fig 3A, as described at lines 18 to 21 and line 26 onwards of page 33) an initial bandwidth of said synchronous network payload according to a predetermined condition, wherein said payload comprises a plurality of virtually concatenated virtual containers;

diversely routing (by node N1, fig 3A, as described at lines 20 and 21 of page 33) said synchronous network payload over said synchronous network; and

in the event of a change in a condition of the network, modifying the allocated bandwidth (by node N1, fig 3A, as described at line 18 onwards of page 33).

Reference numerals have been added based on figs 3A and 5 and reference is made to the associated parts of the specification at line 12 of page 20 onwards, and so these features need not be described again here.

Independent claim 36:

Again, this claim has corresponding distinctive features and so the discussion of claim 1 applies here. It specifies a method of allocating bandwidth in a



synchronous digital network for a packet oriented signal (F1) having buffer-to-buffer flow control (300, 310a), the method comprising the steps of:

received said packet oriented signal;

processing (210, 212) said packet oriented signal to a processed signal having a form suitable for mapping to a synchronous network payload, wherein the processing preserves a buffer-to-buffer flow control mechanism (300, 310a) of said packet oriented signal, wherein said step of processing removes redundant information from the packet oriented signal while maintaining the integrity of a payload of the packet oriented signal; and

mapping (218) said processed signal to a said synchronous network payload having a bandwidth determined according to the bandwidth of said processed signal.

Reference numerals have been added based on figs 3A and 5 and reference is made to the associated parts of the specification at line 12 of page 20 onwards, and so these features need not be described again here.

(vi) Grounds of rejection to be reviewed on appeal

There are six grounds of rejection to be reviewed in this appeal, as follows:

1. The rejection of claims 1-6, 8, 11, 12, 16-20, 22, 23, 24-28 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Jordan (US 6,934,301) in view of Bisson (US 6,965,619).
2. The rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Jordan in view of Bisson in further view of Rauch (US 6,243,510).
3. The rejection of claims 9 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Jordan in view of Bisson in further view of Azizoglu (US 6,430,201).
4. The rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Jordan in view of Bisson in further view of Gerszberg (US 6,452,923).

5. The rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Jordan in view of Bisson in further view of Goodman (US 6,636,529).
6. The rejection of claim 30-35 under 35 U.S.C. § 103(a) as being unpatentable over Jordan in view of Bisson in further view of Heuer (US 6,842,455).

(vii) Argument

Ground 1

Regarding the rejection of claim 1 and other claims for obviousness over Jordan and Bisson, the Examiner acknowledges that Jordan does not show the claim feature of preserving a buffer to buffer flow control mechanism of a client signal. The Examiner tries to argue in the final rejection of June 27, 2007 that Bisson is cited only to show the general concept of buffer to buffer flow control, and that it would have been obvious to use this in the method of converting packets between networks as shown in Jordan. The only justification given is that Jordan mentions the problem of buffer overflow and so it is alleged to have been obvious to use buffer to buffer flow control so as to ensure that buffers do not overflow.

But this argument ignores the fact that buffer to buffer flow control is conventionally used between buffers at either end of a link of a network, whereas Jordan is only concerned with an interface between networks. Hence, to reach the above mentioned distinctive claim feature, it would be necessary to realize that the conventional buffer to buffer flow control can be taken out of its usual context of flow control along a link, and applied in a new way in Jordan to the problem of mapping signals to pass from one network to another. There is no suggestion or incentive in either reference to do this.

The mere mention in Jordan at col 7 line 48 of buffer overflow, does not provide any suggestion or incentive because it only relates to a conventional buffer for absorbing rate changes at an interface from the packet network to the synchronous network. Any overflow of such a buffer in Jordan can only occur before any mapping to the synchronous network and so therefore any flow control to

address such an overflow would prevent the overflow before the mapping. Therefore there would be no need for, and therefore no implied disclosure of, preserving the flow control mechanism in the mapping.

None of the other references have any bearing on this issue.

For these reasons it cannot have been obvious from Jordan and Bisson to modify Jordan to arrive at the claim feature of mapping so as to preserve a flow control mechanism of the client signal.

All the other claims of this rejection are dependent or have corresponding distinctive features and so are all submitted to be allowable for the same reasons.

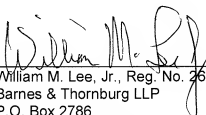
#### Grounds 2-6

In view of the reasons set forth with respect to the first ground of rejection, Grounds 2-6, which are with respect to certain dependent claims, have been overcome and are therefore moot. The above discussion applies equally to these grounds.

Reversal of the Examiner's rejections is therefore submitted to be in order and is respectfully requested.

July 2, 2009

Respectfully submitted,



---

William M. Lee, Jr., Reg. No. 26,935  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
(312) 214-4800  
(312) 759-5646

## Claims Appendix

1. A method of mapping a packet orientated client signal to a synchronous network payload, the method including the steps of:

receiving said client signal;

processing said client signal to a form suitable for mapping to said payload which preserves a buffer-to-buffer flow control mechanism of the client signal, wherein said step of processing reduces the bandwidth of the client signal while maintaining the integrity of a payload of the client signal; and

mapping said processed signal to said synchronous network payload.

2. A method as claimed in claim 1, wherein the bandwidth is reduced by removing redundant information from said client signal.

3. A method as claimed in claim 1, wherein the bandwidth is reduced by removing idles from said client signal.

4. A method as claimed in claim 1, wherein the bandwidth is reduced by removing at least one primitive sequence which forms part of a series of repeated primitive sequences in said client signal.

5. A method as claimed in claim 1, wherein in the step of preserving the buffer-to-buffer flow control mechanism of the client signal, said buffer-to-buffer flow control mechanism is provided according to a Fibre Channel protocol class of service.

6. A method as claimed in claim 1, wherein in the step of preserving the buffer-to-buffer flow control mechanism of the client signal, said buffer-to-buffer flow control mechanism is provided according to an ESCON protocol class of service.

7. A method as claimed in claim 5, wherein said packet orientated client signal is provided according to a higher level protocol supported by said Fibre Channel protocol and which has a buffer-to-buffer flow control mechanism provided according to a Fibre Channel protocol class of service.

8. A method as claimed in claim 1, wherein the synchronous payload is taken from the group consisting of: one or more SONET virtual container payloads, one or more SDH virtual container payloads; two or more virtually concatenated SONET virtual container payloads; two or more virtually concatenated SDH virtual container payloads; two or more contiguously concatenated SONET virtual container payloads; two or more contiguously concatenated SDH virtual container payloads.

9. A method as claimed in claim 1, wherein said step of processing the client signal further includes a step of removing line encoding.

10. A method as claimed in claim 1, further including the step of padding said processed client signal so that said processed client signal is appropriately padded to fill a predetermined synchronous payload bandwidth.

11. A method as claimed in claim 1, wherein the bandwidth of the synchronous payload is allocated by a network management system.

12. A method as claimed in claim 1, wherein the bandwidth of the synchronous payload is allocated by an apparatus implementing the method of mapping.

13. A method of mapping as claimed in claim 1, wherein the synchronous payload bandwidth is modified in response to customer bandwidth demands increasing/decreasing.

14. A method of mapping as claimed in claim 1, wherein the synchronous payload bandwidth is modified in response to changes in data throughput as distance between the end data packet nodes changes.

15. A method as claimed in claim 1, wherein a plurality of clients signals are multiplexed together to share said synchronous payload.

16. A method of mapping a packet oriented client signal that uses a buffer-to-buffer flow control mechanism to a synchronous transmission network payload, the method comprising the steps of:

processing said client signal to remove at least one ordered set provided according to a protocol of said client signal to form a second signal;

storing the second signal in an ingress buffer; and

mapping the second signal to said synchronous payload,

wherein said steps of processing said client signal and mapping said second signal preserves the buffer-to-buffer flow control mechanism of the client signal and maintains the integrity of the payload of the client signal.

17. A method as claimed in claim 16, wherein said ordered set provides redundant data in said client signal.

18. A method as claimed in claim 16, wherein said ordered set provides redundant data comprising at least one client signal idle.

19. A method as claimed in claim 16, wherein said ordered set provides redundant data comprising at least one client signal primitive sequence which is repeated in a series of client signal primitive sequences .

20. A method of restoring a packet oriented client signal from at least one synchronous network payload, the method comprising the steps of:

receiving said synchronous payload;

de-mapping said signal from said synchronous payload;

storing said signal in an egress buffer; and

processing said signal to add at least one ordered set provided according to a protocol of said packet orientated client signal, wherein said method of restoring the client signal maintains the integrity of the payload of said packet oriented client signal and preserves a buffer-to-buffer flow control mechanism of said client signal.

21. A method as claimed in claim 20, wherein said step of de-mapping includes removing at least one padding character added to said signal prior to being mapped to said synchronous payload.

22. A method as claimed in claim 20, wherein said at least one ordered set is a client signal idle inserted between client signal packets in said signal according to the client signal protocol.

23. A method as claimed in claim 20, said at least one ordered set is a primitive sequence inserted to form a series of primitive sequences in accordance with the client signal protocol.

24. Apparatus adapted to perform steps in a method of mapping a client signal comprising a packet oriented client signal that uses a buffer-to-buffer flow control mechanism to a synchronous transmission network payload, the apparatus comprising:

a processor for processing said client signal to remove at least one ordered set provided according to a protocol of said client signal to form a second signal;

a buffer for storing the processed client signal in an ingress buffer; and

a mapper for mapping the processed client signal to said synchronous payload,

wherein said apparatus preserves the buffer-to-buffer flow control mechanism of the client signal and maintains the integrity of the payload of the client signal.

25. Apparatus as claimed in claim 24, wherein the apparatus is provided in a network element supporting said client signal.

26. Apparatus as claimed in claim 24, wherein the apparatus is provided in a network element supporting said synchronous network payload.

27. A network element comprising apparatus as claimed in claim 25.

28. A network element comprising apparatus as claimed in claim 26.

29. (cancelled)

30. A method of load balancing traffic comprising a packet orientated client signal across a synchronous network, wherein said traffic comprises at least one synchronous network payload comprising a packet oriented client signal which is controlled by a buffer-to-buffer flow control mechanism, the signal having been mapped to a synchronous network payload, using a method including the steps of: receiving said client signal; processing said client signal to a form suitable for



mapping to said payload which preserves a buffer-to-buffer flow control mechanism of the client signal, wherein said step of processing reduces the bandwidth of the client signal while maintaining the integrity of a payload of the client signal; and mapping said processed signal to said synchronous network payload, wherein said method of load balancing comprises the steps of:

pre-allocating an initial bandwidth of said synchronous network payload according to a predetermined condition, wherein said payload comprises a plurality of virtually concatenated virtual containers;

diversely routing said synchronous network payload over said synchronous network; and

in the event of a change in a condition of the network, modifying the allocated bandwidth.

31. A method of load balancing traffic as claimed in claim 30, wherein bandwidth is automatically modified.

32. A method of load balancing traffic as claimed in claim 30, wherein the bandwidth is automatically modified by the apparatus performing the method of mapping.

33. A method of load balancing traffic as claimed in claim 30, wherein said pre-allocation bandwidth is determined by requirements requested by a user of the network.

34. A method of load balancing traffic as claimed in claim 30, wherein said pre-allocation is automatic.

35. A method of load balancing traffic as claimed in claim 30 wherein said pre-allocation is determined by the condition of the synchronous network.

36. A method of allocating bandwidth in a synchronous digital network for a packet oriented signal having buffer-to-buffer flow control, the method comprising the steps of:

received said packet oriented signal;

processing said packet oriented signal to a processed signal having a form suitable for mapping to a synchronous network payload, wherein the processing preserves a buffer-to-buffer flow control mechanism of said packet oriented signal, wherein said step of processing removes redundant information from the packet oriented signal while maintaining the integrity of a payload of the packet oriented signal; and

mapping said processed signal to a said synchronous network payload having a bandwidth determined according to the bandwidth of said processed signal.

## **Evidence Appendix**

None.

**Related Proceedings Appendix**

None.